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United States of America

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
ERIK D. MENDOZA-CONTRERAS,  
  
Defendant.

CASE NO. 1:22-CR-00074-JLT-SKO

STIPULATION VACATING CHANGE OF PLEA  
HEARING AND SETTING TRIAL; FINDINGS  
AND ORDER

**STIPULATION**

Plaintiff United States of America, by and through its counsel of record, and defendants, by and through their counsel, hereby stipulate as follows:

1. By previous order, this matter was set for a change of plea on August 19, 2024.
2. By this stipulation, defendant now moves to vacate the change of plea hearing and set the matter for trial on April 8, 2025, and to exclude time between August 19, 2024, and April 8, 2025, under 18 U.S.C. §§ 3161(h)(7)(A) and 3161(h)(7)(B)(i) and (iv).
3. The parties agree and stipulate, and request that the Court find the following:
  - a) The government has represented that the discovery associated with this case includes investigative reports and related documents in electronic form, videos, photographs, and digital evidence. The government provided initial discovery and supplemental discovery.
  - b) Counsel for defendant desires additional time to review discovery, consult with his client, prepare for trial, and conduct additional plea negotiations.

1 c) Counsel for defendant believes that failure to grant the above-requested  
2 continuance would deny him the reasonable time necessary for effective preparation, taking into  
3 account the exercise of due diligence.

4 d) The government does not object to the continuance.

5 e) Based on the above-stated findings, the ends of justice served by continuing the  
6 case as requested outweigh the interest of the public and the defendants in a trial within the  
7 original date prescribed by the Speedy Trial Act.

8 f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,  
9 et seq., within which trial must commence, the time period of August 19, 2024 to April 8, 2025,  
10 inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(i) and (iv) because it  
11 results from a continuance granted by the Court at defendant's request on the basis of the Court's  
12 finding that the ends of justice served by taking such action outweigh the best interest of the  
13 public and the defendants in a speedy trial.

14 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the  
15 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial  
16 must commence.

17  
18  
19 IT IS SO STIPULATED.

20  
21 Dated: August 14, 2024

22 PHILLIP A. TALBERT  
United States Attorney

23  
24 /s/ Antonio J. Pataca  
ANTONIO J. PATACA  
Assistant United States Attorney

25  
26 Dated: August 14, 2024

27 /s/ Nicholas Reyes  
NICHOLAS REYES  
Counsel for Defendant  
28 Erik D. Mendoza-Contreras

**FINDINGS AND ORDER**

Based on the stipulation of the parties, the Court vacates the change-of-plea hearing currently set on August 19, 2024 and sets the matter for trial on **April 8, 2025 at 8:30 a.m.**<sup>1</sup> For the reasons set forth above in paragraphs 3(a) – 3(c) , the Court finds that good cause exists and the interests of justices outweigh the interests of the defendant and the public in a speedy trial. For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq., within which trial must commence, the Court excludes the time period of August 19, 2024 through April 8, 2025.

IT IS SO ORDERED.

Dated: **August 15, 2024**

  
UNITED STATES DISTRICT JUDGE

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<sup>1</sup> Counsel are advised that the Court is unavailable the week of April 14, 2025. The Court will begin trial on April 8, 2025, but if the matter is not concluded by April 11, 2025, it will resume trial on April 22, 2024.